

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2013 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 26, 2013

**Senate Amendment to  
HOUSE FILE 397**

**H-1205**

1 Amend House File 397, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 3 and 4 and inserting:  
4 <Sec. \_\_\_\_\_. Section 15.106B, subsection 4, paragraph  
5 c, Code 2013, is amended to read as follows:  
6 c. The authority shall not enter into a contract  
7 for services, including a contract executed pursuant  
8 to subsection 2, paragraph "d", that exceeds ~~two~~ three  
9 years in duration.>  
10 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

**H-1205** FILED MARCH 25, 2013

HOUSE FILE 454

H-1203

1 Amend House File 454 as follows:

2 1. Page 3, after line 34 by inserting:

3 <Sec. \_\_\_\_\_. Section 257.6, subsection 1, paragraph  
4 a, subparagraph (6), Code 2013, is amended to read as  
5 follows:

6 (6) ~~Resident~~ Except as provided in section 299A.8,  
7 resident pupils receiving competent private instruction  
8 under dual enrollment pursuant to chapter 299A shall be  
9 counted as one-tenth of one pupil.>

10 2. Page 15, after line 34 by inserting:

11 <Sec. \_\_\_\_\_. Section 299A.8, Code 2013, is amended to  
12 read as follows:

13 299A.8 Dual enrollment.

14 1. If a parent, guardian, or legal custodian of  
15 a school-age child who is receiving competent private  
16 instruction under this chapter submits a request, the  
17 child shall also be registered in a public school for  
18 dual enrollment purposes. If the child is enrolled in  
19 a public school district for dual enrollment purposes,  
20 the child shall be permitted to participate in any  
21 academic activities in the district and shall also be  
22 permitted to participate on the same basis as public  
23 school children in any extracurricular activities  
24 available to children in the child's grade or group,  
25 and the parent, guardian, or legal custodian shall not  
26 be required to pay the costs of any annual evaluation  
27 under this chapter. Dual enrollment of a child solely  
28 for purposes of accessing the annual achievement  
29 evaluation shall constitute a dual enrollment purpose.

30 2. If the child is enrolled for dual enrollment  
31 purposes, the child shall be included in the public  
32 school's basic enrollment under section 257.6, unless  
33 the child is enrolled for dual enrollment purposes  
34 solely for purposes of accessing the annual achievement  
35 evaluation pursuant to section 299A.4. A pupil who is  
36 participating only in extracurricular activities shall  
37 be counted under section 257.6, subsection 1, paragraph  
38 "a", subparagraph (6). A pupil enrolled in grades nine  
39 through twelve under this section shall be counted in  
40 the same manner as a shared-time pupil under section  
41 257.6, subsection 1, paragraph "a", subparagraph (3).>

42 3. By renumbering as necessary.

**By DOLECHECK of Ringgold**

H-1203 FILED MARCH 25, 2013

HOUSE FILE 454

H-1212

1 Amend House File 454 as follows:

2 1. Page 15, after line 34 by inserting:

3 <Sec. \_\_\_\_\_. Section 299A.4, subsection 6, Code 2013,  
4 is amended to read as follows:

5 6. ~~Except when~~ Whether or not a child has been  
6 enrolled in a public school district under section  
7 299A.8, the director of the department of education,  
8 or the director's designee, which may include a school  
9 district or an area education agency, shall administer  
10 the annual achievement evaluation at no cost to the  
11 parent, guardian, or legal custodian of the child  
12 being evaluated ~~shall reimburse the entity conducting~~  
13 ~~the evaluation for no more than the actual cost of~~  
14 ~~evaluation required by this chapter. However, and the~~  
15 parent, guardian, or legal custodian is not required to  
16 reimburse the evaluating entity for costs incurred as a  
17 result of evaluation under section 299A.9.

18 Sec. \_\_\_\_\_. Section 299A.8, Code 2013, is amended to  
19 read as follows:

20 299A.8 Dual enrollment.

21 1. If a parent, guardian, or legal custodian of  
22 a school-age child who is receiving competent private  
23 instruction under this chapter submits a request, the  
24 child shall also be registered in a public school for  
25 dual enrollment purposes. If the child is enrolled in  
26 a public school district for dual enrollment purposes,  
27 the child shall be permitted to participate in any  
28 academic activities in the district and shall also be  
29 permitted to participate on the same basis as public  
30 school children in any extracurricular activities  
31 available to children in the child's grade or group,  
32 ~~and the parent, guardian, or legal custodian shall not~~  
33 ~~be required to pay the costs of any annual evaluation~~  
34 ~~under this chapter. Dual enrollment of a child solely~~  
35 ~~for purposes of accessing the annual achievement~~  
36 ~~evaluation shall not constitute a dual enrollment~~  
37 ~~purpose.~~

38 2. If the child is enrolled for dual enrollment  
39 purposes, the child shall be included in the public  
40 school's basic enrollment under section 257.6. A pupil  
41 who is participating only in extracurricular activities  
42 shall be counted under section 257.6, subsection 1,  
43 paragraph "a", subparagraph (6). A pupil enrolled in  
44 grades nine through twelve under this section shall  
45 be counted in the same manner as a shared-time pupil  
46 under section 257.6, subsection 1, paragraph "a",  
47 subparagraph (3).>

48 2. By renumbering as necessary.

By WINCKLER of Scott

H-1212 FILED MARCH 25, 2013

HOUSE FILE 529

H-1208

- 1 Amend House File 529 as follows:
- 2 1. Page 1, line 3, after <1A.> by inserting <a.>
- 3 2. Page 1, after line 9 by inserting:
- 4 <b. This subsection preempts any city or county
- 5 ordinance regulating a person who is the owner or
- 6 lessee of, or who otherwise has control over, property
- 7 that is not a licensed premises, in relation to the
- 8 consumption or possession on such property of any
- 9 alcoholic liquor, wine, or beer.>
- 10 3. Page 1, by striking lines 10 through 23.
- 11 4. Page 1, by striking lines 29 and 30 and
- 12 inserting <section regarding the purchase of or
- 13 attempt to purchase alcoholic liquor, wine, or beer, or
- 14 possessing>
- 15 5. By striking page 1, line 34, through page 2,
- 16 line 7.
- 17 6. By striking page 2, line 17, through page 3,
- 18 line 11.
- 19 7. By renumbering as necessary.

**By** SHAW of Pocahontas

H-1208 FILED MARCH 25, 2013

HOUSE FILE 538

H-1207

- 1 Amend the amendment, H-1197, to House File 538 as
- 2 follows:
- 3 1. Page 1, by striking lines 15 and 16 and
- 4 inserting:
- 5 2. A person who serves as>

**By** ALONS of Sioux

H-1207 FILED MARCH 25, 2013

HOUSE FILE 548

H-1204

1 Amend House File 548 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. NEW SECTION. 135.39D Vision screening.

5 1. The parent or guardian of a child to be enrolled  
6 in a public or accredited nonpublic elementary  
7 school shall ensure that the child is screened for  
8 vision impairment at least once before enrollment in  
9 kindergarten and again before enrollment in grade  
10 three. The parent or guardian of the child shall  
11 ensure that evidence of the vision screening is  
12 provided to the school district or accredited nonpublic  
13 school in which the child is enrolled. Evidence of  
14 the vision screening may be provided either directly  
15 from the parent or guardian or from a vision screening  
16 provider referred to in subsection 2, and may be  
17 provided in either written or electronic form.

18 2. The requirement for vision screening may be  
19 satisfied by any of the following:

20 a. A vision screening or comprehensive eye  
21 examination by a licensed ophthalmologist or licensed  
22 optometrist.

23 b. A vision screening conducted at a pediatrician's  
24 or family practice physician's office, a free  
25 clinic, a child care center, a local public health  
26 department, a public or accredited nonpublic school,  
27 or a community-based organization, or by an advanced  
28 registered nurse practitioner or physician assistant.

29 c. An online vision screening, which may be  
30 conducted by a child's parent or guardian.

31 d. A photoscreening vision screening, including a  
32 vision screening by Iowa kidsight.

33 3. All vision screening methods pursuant to  
34 subsection 2, including emerging vision screening  
35 technologies, shall be age-appropriate and shall  
36 be approved by the department in consultation with  
37 leading vision organizations in the state, licensed  
38 ophthalmologists, and licensed optometrists.

39 4. A person who performs a vision screening  
40 required pursuant to this section shall report the  
41 results of the vision screening to the department.  
42 The department may collect and maintain such reports  
43 through the statewide immunization registry or a  
44 private contractor.

45 5. Each public and accredited nonpublic elementary  
46 school shall, in collaboration with the department, do  
47 the following:

48 a. Provide the parents or guardians of students  
49 with vision screening referral resources.

50 b. Arrange for evidence of vision screenings

H-1204

1 provided pursuant to subsection 1 to be forwarded to  
2 the department.

3 6. A child shall not be prohibited from attending  
4 school based upon the failure of a parent or guardian  
5 to ensure that the child has received the vision  
6 screening required by this section.

7 7. If a vision screening required pursuant to this  
8 section identifies potential vision impairment in a  
9 child, the person who performed the vision screening  
10 shall, if the person is not a licensed ophthalmologist  
11 or licensed optometrist, refer the child to a licensed  
12 ophthalmologist or licensed optometrist for a  
13 comprehensive eye examination.

14 8. The department shall establish procedures to  
15 contact parents or guardians of children identified as  
16 having potential vision impairment based on the results  
17 of a vision screening required pursuant to subsection  
18 1 or a comprehensive eye examination required pursuant  
19 to subsection 7 in order to provide information on  
20 obtaining necessary vision correction.

21 9. The department may share information with  
22 licensed health care providers, agencies, and  
23 other persons involved with vision screenings, eye  
24 examinations, follow-up services, and intervention  
25 services as necessary to administer this section.  
26 The department shall adopt rules to protect the  
27 confidentiality of the individuals involved.

28 10. The vision screening requirement shall not  
29 apply if the vision screening conflicts with a parent's  
30 or guardian's genuine and sincere religious belief.

31 11. A person who acts in good faith in complying  
32 with this section shall not be civilly or criminally  
33 liable for reporting the information required to be  
34 reported by this section.

35 12. The department shall adopt rules necessary to  
36 administer this section.>

**By** WINCKLER of Scott

STECKMAN of Cerro Gordo

MASCHER of Johnson

STUTSMAN of Johnson

HOUSE FILE 562

H-1202

1 Amend House File 562 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. STUDY -- PRESCRIPTION DRUG OR  
5 CONTROLLED SUBSTANCE MEDICATION DEFENSE IN  
6 OPERATING-WHILE-INTOXICATED CASES. The legislative  
7 council is requested to establish an interim study  
8 committee to review the provisions of Code section  
9 321J.2, subsection 11, relating to the prescription  
10 drug or controlled substance medication defense in  
11 a criminal operating-while-intoxicated case and to  
12 consider the application of such a defense in an  
13 administrative license revocation proceeding based on  
14 an operating-while-intoxicated offense. Committee  
15 discussion shall include but not be limited to  
16 whether the prescription drug or controlled substance  
17 medication defense should be confined to criminal  
18 operating-while-intoxicated cases, whether the  
19 prescription drug or controlled substance medication  
20 defense should be included in an implied consent  
21 warning, and if so, what type of medical warning about  
22 the use of the prescription medication and driving  
23 should be required. The committee shall include at  
24 least four members of the general assembly and persons  
25 with expertise in operating-while-intoxicated cases  
26 including representatives from the department of  
27 transportation, the department of justice, prosecution  
28 and defense counsel, and the medical community  
29 including a representative from the pharmacy community.  
30 The study committee shall issue a report to the general  
31 assembly containing its findings and recommendations  
32 by January 15, 2014.>

33 2. Title page, line 1, after <Act> by inserting  
34 <creating a study>

**By** M. SMITH of Marshall

H-1202 FILED MARCH 25, 2013

HOUSE FILE 569

H-1210

1 Amend the amendment, H-1133, to House File 569 as  
2 follows:  
3 1. Page 4, line 23, by striking <mental health>  
4 2. Page 4, line 35, by striking <mental health>  
5 3. Page 4, line 47, by striking <mental health>  
6 4. Page 5, line 26, by striking <Clinical  
7 evaluation,> and inserting <Evaluation,>  
8 5. Page 5, line 36, by striking <Counseling,  
9 therapy,> and inserting <Counseling>  
10 6. Page 5, by striking lines 48 and 49 and  
11 inserting <counselor, a master substance and addictive  
12 disorder counselor, or a mental health professional as  
13 defined in section 228.1.>  
14 7. Page 6, line 5, by striking <Clinical  
15 evaluation,> and inserting <Evaluation,>  
16 8. Page 6, line 11, by striking <Counseling,  
17 therapy,> and inserting <Counseling>  
18 9. Page 6, line 24, after <counselor> by inserting  
19 <or a mental health professional as defined in section  
20 228.1>  
21 10. Page 6, by striking lines 44 and 45 and  
22 inserting <addictive disorder counselors, licensed  
23 substance and addictive disorder prevention  
24 professionals, and mental health professionals as  
25 defined in section 228.1.>  
26 11. Page 7, after line 43 by inserting:  
27 <NEW PARAGRAPH. j. Standards for the scope  
28 of practice for substance and addictive disorder  
29 prevention professionals, which shall not include  
30 the diagnosis or treatment of substance or addictive  
31 disorders.  
32 NEW PARAGRAPH. k. Standards for substance and  
33 addictive disorder prevention professionals' ethical  
34 and sexual conduct in regard to persons who receive  
35 substance and addictive disorder prevention services.>  
36 12. Page 8, by striking lines 35 through 37 and  
37 inserting <disorder counselor, or an independent  
38 substance and addictive disorder counselor shall be>  
39 13. By renumbering as necessary.

By M. SMITH of Marshall

H-1210 FILED MARCH 25, 2013



HOUSE FILE 597

H-1211

1 Amend House File 597 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <DIVISION \_\_\_\_  
4 MOTOR FUEL MARKETING>  
5 2. Page 1, after line 4 by inserting:  
6 <NEW SUBSECTION. 12A. "Marketer" means a dealer,  
7 distributor, nonrefiner biofuel manufacturer, or  
8 supplier.  
9 NEW SUBSECTION. 16A. "Nonrefiner biofuel  
10 manufacturer" means the same as defined in section  
11 452A.2.  
12 NEW SUBSECTION. 18A. "Pipeline company" means the  
13 same as defined in section 479B.2.>  
14 3. Page 1, after line 6 by inserting:  
15 <NEW SUBSECTION. 23B. "Terminal" means the same as  
16 defined in section 452A.2.  
17 NEW SUBSECTION. 23C. "Terminal operator" means the  
18 same as defined in section 452A.2.  
19 NEW SUBSECTION. 23D. "Terminal owner" means a  
20 person who holds a legal or equitable interest in a  
21 terminal.>  
22 4. Page 1, by striking line 9 and inserting:  
23 <A retail dealer or other marketer, pipeline  
24 company, terminal owner, terminal operator, motor  
25 vehicle manufacturer, or engine manufacturer is not  
26 liable for>  
27 5. Page 1, by striking lines 26 through 29 and  
28 inserting <blended gasoline or diesel fuel on any  
29 premises in this state.>  
30 6. Page 1, line 35, after <transport> by inserting  
31 <to a distributor or dealer>  
32 7. Page 2, by striking line 1 and inserting <or  
33 unblended diesel fuel, that is at the terminal, based  
34 on>  
35 8. Page 2, by striking lines 4 through 7.  
36 9. Page 2, line 8, by striking <4.> and inserting  
37 <3.>  
38 10. Page 2, line 19, by striking <5.> and inserting  
39 <4.>  
40 11. Page 2, by striking lines 23 through 35 and  
41 inserting:  
42 <DIVISION \_\_\_\_  
43 STORAGE TANKS  
44 Sec. \_\_\_\_\_. Section 101.21, subsection 1, paragraphs  
45 a through c, Code 2013, are amended to read as follows:  
46 a. ~~Aboveground tanks of~~ An aboveground tank which  
47 complies with any of the following:  
48 (1) Has one thousand one hundred gallons or less  
49 capacity.  
50 (2) Stores flammable liquids on a farm located

H-1211

1 outside the limits of a city, if the aboveground tank  
2 has two thousand gallons or less capacity.

3 (3) Stores combustible liquids on a farm located  
4 outside the limits of a city, if the aboveground tank  
5 has five thousand gallons or less capacity.

6 b. ~~Tanks~~ A tank used for storing heating oil for  
7 consumptive use on the premises where stored.

8 c. ~~Underground~~ An underground storage ~~tanks~~ tank as  
9 defined by section 455B.471.

10 Sec. \_\_\_\_\_. Section 101.21, Code 2013, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 1A. a. "Farm" means land and  
13 associated improvements used to produce agricultural  
14 commodities, if at least one thousand dollars is  
15 annually generated from the sale of the agricultural  
16 commodities.

17 b. As used in paragraph "a", "commodities" means  
18 crops as defined in section 202.1 or animals as defined  
19 in section 459.102.

20 Sec. \_\_\_\_\_. Section 101.22, subsections 4 through 8,  
21 Code 2013, are amended to read as follows:

22 4. The registration notice of the owner or operator  
23 to the state fire marshal under subsections 1 through  
24 3 shall be accompanied by an annual fee of ~~ten~~ twenty  
25 dollars for each tank included in the notice. All  
26 moneys collected shall be retained by the department of  
27 public safety and are appropriated for the use of the  
28 state fire marshal. The annual renewal fee applies to  
29 all owners or operators who file a registration notice  
30 with the state fire marshal pursuant to subsections 1  
31 through 3.

32 5. ~~A person who deposits flammable or combustible~~  
33 ~~liquid in an aboveground flammable or combustible~~  
34 ~~liquid storage tank shall notify the owner or operator~~  
35 ~~in writing of the notification requirements of this~~  
36 ~~section.~~

37 6. A person who sells or constructs a tank intended  
38 to be used as an aboveground storage tank shall  
39 notify the purchaser of the tank in writing of the  
40 notification requirements of this section applicable  
41 to the purchaser.

42 7. ~~6. It is unlawful to deposit flammable or~~  
43 ~~combustible liquid in~~ An owner or operator shall  
44 register an aboveground flammable or combustible liquid  
45 storage tank ~~which has not been registered~~ pursuant to  
46 subsections 1 through 4.

47 8. ~~7.~~ The state fire marshal shall furnish the  
48 owner or operator of an aboveground flammable or  
49 combustible liquid storage tank with a registration tag  
50 for each aboveground flammable or combustible liquid

H-1211

Page 3

1 storage tank registered with the state fire marshal.  
2 a. The owner or operator shall affix the tag to the  
3 fill pipe of each registered aboveground flammable or  
4 combustible liquid storage tank.  
5 b. ~~A person who conveys or deposits flammable~~  
6 ~~or combustible liquid shall inspect the aboveground~~  
7 ~~flammable or combustible liquid storage tank to~~  
8 ~~determine the existence or absence of the registration~~  
9 ~~tag. If a registration tag is not affixed to the~~  
10 ~~aboveground flammable or combustible liquid storage~~  
11 ~~tank fill pipe, the person conveying or depositing~~  
12 ~~the flammable or combustible liquid may deposit the~~  
13 ~~flammable or combustible liquid in the unregistered~~  
14 ~~tank. However, only one deposit is allowed into~~  
15 ~~the unregistered tank, the person making the deposit~~  
16 ~~shall provide the owner or operator of the tank with~~  
17 ~~another notice as required by subsection 5, and the~~  
18 ~~person shall provide the owner or operator with an~~  
19 ~~aboveground flammable or combustible liquid storage~~  
20 ~~tank registration form.~~  
21 e. ~~It is the owner or operator's duty to comply~~  
22 ~~with registration requirements.~~  
23 8. A late registration penalty of twenty-five  
24 dollars is imposed in addition to the registration fee  
25 for a tank registered after the required date.>  
26 12. Title page, by striking lines 1 and 2 and  
27 inserting <An Act relating to liquids which are  
28 flammable or combustible, by providing for the  
29 storage, marketing, and distribution of such liquids,  
30 providing for the marketing and distribution of  
31 liquids classified as motor fuel, including blended and  
32 unblended gasoline and diesel fuel,>  
33 13. By renumbering, redesignating, and correcting  
34 internal references as necessary.

By KLEIN of Washington

H-1211 FILED MARCH 25, 2013

SENATE FILE 202

H-1209

1 Amend Senate File 202, as passed by the Senate, as  
2 follows:  
3 1. Page 2, by striking lines 12 through 15 and  
4 inserting:  
5 <A minor who is twelve years of age or older shall  
6 have the legal capacity to act and give consent to  
7 the provision of tobacco cessation coaching services  
8 pursuant to a tobacco cessation telephone and  
9 internet-based program approved by the department.  
10 Consent shall not be subject to>

By FRY of Clarke

H-1209 FILED MARCH 25, 2013

SENATE FILE 288

H-1206

1 Amend Senate File 288, as passed by the Senate, as  
2 follows:

3 1. Page 3, lines 23 and 24, by striking <and  
4 conviction> and inserting <~~and conviction~~>

5 2. Page 6, line 8, after <defendant> by inserting  
6 <, other than a child being prosecuted as a youthful  
7 offender,>

8 3. Page 8, line 5, after <confinement> by inserting  
9 <as prescribed by law for the offense>

**By** HESS of Clay

H-1206 FILED MARCH 25, 2013

# Fiscal Note

Fiscal Services Division



**HF 563** – Child Pornography, Penalties (LSB 2462HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.iowa.gov](mailto:beth.lenstra@legis.iowa.gov))

Fiscal Note Version – New

## Description

**House File 563** amends [Iowa Code section 728.12\(3\)](#) (Sexual Exploitation of a Minor) to increase the penalty for knowingly purchasing or possessing a visual depiction of a minor engaged in certain acts from an aggravated misdemeanor to a Class “D” felony. The penalty is a Class “C” felony for a second or subsequent conviction. This Bill provides that certain offenders are guilty of an aggravated misdemeanor for the first offense, rather than a Class “D” felony.

## Background

### Correctional and Fiscal Information

- Current law provides for an aggravated misdemeanor penalty for violating [Iowa Code section 728.12\(3\)](#) – possessing child pornography. According to the Justice Data Warehouse, there were six offenders convicted of this aggravated misdemeanor penalty in FY 2012. All of the offenders were sentenced to probation.
- This Bill eliminates the sentencing option of an aggravated misdemeanor penalty. According to the Justice Data Warehouse, 50.0% of Class “D” felony convictions under [Iowa Code chapter 728](#) are sentenced to State prison while 50.0% are sentenced to probation.
- Sex offenders supervised by Community-Based Corrections (CBC) for either probation or parole may be required to wear an electronic monitoring device and be supervised at the intensive level. They are also required to participate in the Sex Offender Treatment Program (SOTP).
- Sex offenders are subject to the requirements of the Sex Offender Registry (SOR) for at least 10 years. The SOR is administered by the Department of Public Safety (DPS).
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division, the Office of the State Court Administrator, the DPS, the Office of the State Public Defender, and the Department of Corrections, the following are estimates for sentencing, length of stay under supervision, and costs for an aggravated misdemeanor and a Class “D” felony conviction for sexual exploitation of a minor:

### Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost for Sex Offender Supervision ISP and SOTP in CBC	Special Sentence of 10 Years After Discharge of Original Sentence	Sex Offender Registry for at Least 10 years	Cost of Indigent Defense	Average Cost Per Case for Judicial Branch
Aggravated Misdemeanor	0.0%	0	\$0.00	100.0%	20.4 months	5.5 months	\$17.91	Yes	Yes	\$1,200	\$209
Class "D" Felony	50.0%	31.7 months	\$17.60	50.0%	33.9 months	12.5 months	\$17.91	Yes	Yes	\$1,200	\$427

In addition to the costs in the above table, there is an additional cost to the State prison system for providing sex offender treatment while incarcerated.

## **Minority Data Information**

According to the Justice Data Warehouse, 50.0% of the offenders convicted in FY 2012 for violations of [Iowa Code section 728.12\(3\)](#) were White, 16.7% were Black, 16.7% were Hispanic, and 16.6% were of an unknown race/ethnicity. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population. Refer to the [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

## **Assumptions**

### **Correctional and Fiscal Information**

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Current convictions for aggravated misdemeanors will become Class “D” felony convictions under this Bill.
- The impact of the provision that certain offenders are guilty of an aggravated misdemeanor for the first offense, rather than a Class “D” felony cannot be estimated but is expected to be minimal.
- These will be bench trials.
- The impact on the indigent defense budget is expected to be minimal. The fee cap for an aggravated misdemeanor is the same as a Class “D” felony — \$1,200.

**Minority Data Information:** The impact on minorities will remain consistent with current data.

## **Summary of Impacts**

### **Correctional Impact**

There will be an estimated six offenders annually convicted under this Bill’s provisions. Three will be sentenced to prison while three will be sentenced to probation. These offenders will have been convicted of an aggravated misdemeanor and received a probation sentence under current law.

There will be one offender admitted to prison in FY 2014 and three annually thereafter. The prison population will increase by one offender in FY 2014, four offenders in FY 2015, and six offenders annually thereafter. The population exceeds admissions because the average length of stay in prison exceeds two years.

The probation population will increase by three offenders annually. While this is not a significant increase in the overall population, these offenders will remain under supervision for a longer period than current law. Refer to the [January 2012 Task Force Report to the General Assembly](#) as prepared by the Criminal and Juvenile Justice Planning Division for the [Sex Offender Research Council](#) for additional statistical information regarding sex offender supervision in Iowa.

### **Minority Impact**

It is expected this Bill will have a disproportionate impact on minorities because approximately 33.4% of offenders convicted under this Bill's provisions may be minorities, specifically Blacks and Hispanics. This Bill shifts aggravated misdemeanor convictions to Class "D" felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

### **Fiscal Impact**

The fiscal impact is estimated to be \$13,600 in FY 2014 and \$66,200 in FY 2015 to the State General Fund as indicated in the table below. Costs for the Judicial Branch are expected to level off in FY 2015. State prison costs are expected to continue to increase through FY 2016. Costs for CBC supervision are expected to continue increasing across the five-year projection period because of the long length of stay due to the Special Sentence.

**State General Fund Fiscal Impact**

	FY 2014	FY 2015
Judicial Branch	\$ 700	\$ 1,300
State Prison	3,200	25,700
CBC	9,700	39,200
	<u>\$ 13,600</u>	<u>\$ 66,200</u>

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
State Court Administrator's Office  
Department of Human Services  
Department of Public Safety

/s/ Holly M. Lyons

March 25, 2013

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



**HF 595** – University Tuition, Resident Rates (LSB 2309HV)  
Analyst: Robin Madison (Phone: 515-281-5270) ([robin.madison@legis.iowa.gov](mailto:robin.madison@legis.iowa.gov))  
Fiscal Note Version – New

## **Description**

**House File 595** requires the Regents institutions and the community colleges to qualify an enrollee as a resident student for purposes of undergraduate and graduate tuition and mandatory fees if the enrollee meets one of the following requirements:

- Has attended an accredited Iowa school for at least four consecutive years as of the date of graduation from an accredited Iowa high school.
- Was placed under private instruction for at least four consecutive years immediately prior to enrollment in a community college or Regents institution.
- While a resident of Iowa previously, was enrolled in an Iowa community college or Regents institution as a resident student for purposes of tuition and mandatory fees.

## **Background**

The table below shows the average annual tuition and fees at the community colleges and Regents universities for FY 2013.

2012-2013 Undergraduate Tuition and Mandatory Fees				
	Residents	Non-Residents	Difference	
Community Colleges*	\$ 4,437	\$ 5,457	\$	1,020
University of Iowa	8,057	26,279		18,222
Iowa State University	7,726	19,838		12,112
University of Northern Iowa	7,635	16,721		9,086
* Average for the 15 colleges based on 15 credit hours per term.				

## **Fiscal Impact**

There is no direct impact to the State General Fund. The fiscal impact of this Bill to the Regents universities and the community colleges cannot be estimated because the number of students that will take advantage of the provisions is unknown. Because of less stringent existing requirements for residency, the community colleges are not likely to experience a significant loss of tuition and fee revenue due to the new provisions. However, the impact for the Regents institutions could be significant.



**Source**

Board of Regents

/s/ Holly M. Lyons

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March 25, 2013

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



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**HF 485** – Voter Identification (LSB 1166HV)

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Fiscal Note Version – New

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## **Description**

**House File 485** specifies the published notice of an election is to include a statement that all voters will be required to show proof of identification before casting a ballot and requires all voters to present proof of identity before being allowed to vote. Requires the proof of identity to:

- Include the name on the proof of identification document to conform to the name on the election register.
- Include a photograph of the person to whom it was issued.
- Be issued by the government of the United States, the State of Iowa, an Iowa public or private university or college, an Iowa secondary school, or a political subdivision of the State.
- If issued by a political subdivision, the document must have been issued no later than the close of voter registration for that election and meet other requirements to be specified by the State Commissioner of Elections.

This Bill specifies the type of documents that may be used to establish proof of residence during same day registration and specifies that if oaths are used to establish identity and residence they must be on the same piece of paper. This Bill also specifies the procedures for establishing proof of identification without the specified documents by written oath of the person wishing to vote and of an attesting person that provides the required proof of identification. The attesting person may only attest to the identity of one person during the election. The county commissioner of elections is required to review all oaths within 45 days after the election and notify the State Commissioner and the county attorney if a person is found to have attested for more than one person. Falsely stating or attesting to a voter's identity is made a class "D" felony by this Bill.

This Bill permits a person unable or refusing to present proof of identity, or fails to provide proof to the satisfaction of the precinct election official, or confined persons, to vote a provisional ballot, and specifies the person casting a provisional ballot is to receive a statement that lists the types of acceptable identification that must be presented before the ballot will be counted. This Bill further specifies a provisional ballot may be voted if the person executes an affidavit specifying that the person is either indigent and unable to obtain proof of identification without the payment of a fee, or has a religious objection to being photographed. This type of provisional ballot and one voted because the person did not present acceptable proof of identification at the time of voting is presumed valid unless additional written documents refute the presumption.

This Bill also permits a registered voter that is a tenant of a certified assisted living program to have an absentee ballot delivered to the registered voter. This Bill specifies the manner of delivery of absentee ballots to tenants of assisted living programs in and outside the county where the voter is registered. A person voting an absentee ballot must provide proof of identity before the ballot will be counted. Permits a confined person to cast a ballot without proof of

identification by executing an affidavit affirming that the person does not have and is unable to obtain proof of identification and that the voter resides in a hospital, assisted living program, or a health care facility. If the person does not supply the required identification and does not execute the affidavit, the ballot will be considered a provisional ballot.

This Bill permits a person to obtain an identification card for voting purposes only from the Department of Transportation (DOT) at no fee. The card is required to be labeled "For Voting Purposes Only."

This Bill makes conforming changes to required notices on forms related to voter registration and registration by mail and is applicable to elections held on or after January 1, 2015.

### **Background and Assumptions**

#### **Fiscal Information**

- Persons most likely impacted by this Bill, from a State fiscal impact perspective, will include a combination of the following general characteristics:
  - A person that is an active voter.
  - A person that does not have a certified birth or marriage certificate or any other form of identification required to be issued a nonoperator's identification card.
  - A person that votes in-person at the polls or votes an absentee ballot in person.
  - A person that does not possess photo identification issued by the government of the United States, the State of Iowa, an Iowa public or private university or college, an Iowa secondary school, or a political subdivision of the State.
  - A person that purchases a nonoperator's identification card.
- Instructions on obtaining a nonoperator's identification card can be found on the [Iowa Department of Transportation website](#).
- Instructions on obtaining a certified birth or marriage certificate can be found on the [Iowa Department of Public Health website](#).
- The cost of a certified copy of a birth certificate or marriage certificate is \$15 each.
- The cost of a DOT-issued nonoperator's identification card is \$5 for a new issue and renewal, \$3 to replace a lost card, and \$1 to update information (i.e., address and name change). Nonoperator's identification cards are valid for five years.
- The cost to the DOT for one-time card design and programming expenses is approximately \$45,000, and the cost to produce and mail each card is approximately \$4, not including staff time or the payment of the processing fee to counties.
- The DOT issued an average of 62,000 nonoperator's identification cards over the last two fiscal years.
- It is assumed that individuals routinely purchasing and renewing nonoperator's identification cards will request the identification cards for voting purposes and receive the cards at no charge. This assumption is based on the experience in Indiana where nearly all nonoperator's identification cards issued to persons 18 and over are issued free of charge.
- All fees collected from the issuance of nonoperator's identification cards are deposited in the Road Use Tax Fund.

- The Iowa DOT currently has approximately 2.4 million driver's licenses and identification cards in circulation, of all types for people 18 years of age or older. These cards include 178,000 nonoperator's identification cards.
- There were approximately two million active registered voters in Iowa during the 2012 general election and approximately 81.1% (1.6 million) voted.
- County auditors will have additional staff hours and expenses related to the following:
  - Training
  - Requesting and reviewing identification
  - Review of attestations
  - Processing additional provisional ballots
- It cannot be determined if litigation will be filed and the extent of the litigation that will result from the enactment of this Bill. The Secretary of State is defended by the State Attorney General and the Attorney General uses available General Fund resources to provide the defense. The Attorney General's Office has stated that the legislation would likely result in litigation against the State and could be complex and require attorney time and related litigation costs, including expert witnesses.
- The Secretary of State has indicated that they will not have any additional costs. The Office will address voters and auditor education during their normal communication and training. The Office currently expends more than \$255,000 annually from the General Fund appropriation for communication, outreach, training, and education of the county commissioners of election in order to provide uniform election practices and procedures. This is provided in the form of the daily help desk, the Election Administrators handbook, email communications, and training sessions.

### **Correctional Information**

The correctional impact cannot be estimated due to a lack of data. Conviction for a Class "D" felony offense may result in a sentence of a fine and/or community service, county jail, probation with or without Community-Based Corrections (CBC) supervision, or a State prison sentence. The crime may be similar to current Iowa law related to election misconduct. If so, there are approximately six convictions per year. Approximately 42.9% of the convictions were a Class "D" felony. Therefore, there may be few convictions for the new offense, and minimal impact on correctional resources. Refer to the [Correctional Impact Memo](#), dated February 11, 2013, for information related to costs by crime class. The memo provides a range of costs based on actual costs and length of stay plus certain assumptions. A range of costs is provided for nonviolent crimes. The costs for the new crime created in this Bill may be at the lower end of the range (\$5,400) because it is unlikely the offender will receive long-term confinement as part of the sentence.

### **Minority Data Information**

The minority impact of the new offense, falsely stating or attesting to a voter's identity, cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system. The crime may be similar to current Iowa law related to election misconduct. If so, then 35.7% of the convicted offenders were African-American. There may be a minority impact associated with the new crime created in this Bill.

## **Summary of Impacts**

### **Fiscal Impact**

It is estimated that HF 485 will result in a loss of revenue to the Road Use Tax Fund of \$155,000 in FY 2012 and \$310,000 each year thereafter to reflect the cost of providing identification cards at no charge for the current level of customers.

Counties would incur approximately \$165,000 in additional expenses implementing this Bill.

The fiscal impact resulting from the increased number of persons obtaining nonoperator's identification cards as a result of the new voting requirements of this Bill cannot be determined at this time.

### **Correctional Impact**

The correctional impact cannot be estimated, however, it is anticipated to be minimal.

### **Minority Impact**

To the extent that the new crime, falsely stating or attesting to a voter's identity, results in new convictions, there may be a minority impact.

### **Sources**

Department of Transportation  
Iowa Secretary of State  
Department of Public Health  
Iowa State Association of Counties  
Iowa Attorney General  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
State Court Administrator's Office

/s/ Holly M. Lyons

March 25, 2013

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



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**SF 395** – Child Welfare Policy, Human Services Department (LSB 1151SV.1)  
Analyst: Jess Benson (Phone: (515) 281-4611) ([jess.benson@legis.iowa.gov](mailto:jess.benson@legis.iowa.gov))  
Fiscal Note Version – As amended and passed by the Senate

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## **Description**

**Senate File 395** makes the following changes to various Department of Human Services (DHS) Programs:

- Eliminates the Comprehensive Family Support Council required under the Iowa Code. The Family Support Subsidy Program is being phased out and the Council is no longer necessary.
- Prohibits electronic transactions involving Family Investment Program (FIP) benefits in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment that provides adult-oriented entertainment where performers disrobe or perform in an unclothed state for entertainment. These changes are required under the federal Middle Class Tax Relief and Jobs Creation Act of 2012.
- Makes a number of mandatory changes required by the federal Patient Protection and Affordable Care Act (ACA) of 2010, including:
  - This Bill implements a new foster care coverage group and eliminates the Medicaid for Young Adults group, as those individuals will be covered under the new foster care coverage group. Foster care children are required to be covered to the age of 26.
  - Expands coverage under the Medicaid Breast and Cervical Cancer Program to men.
  - Amends the expiration date of the IowaCare waiver from October 31, 2013, to December 31, 2013, for compliance with the ACA maintenance of effort (MOE) requirements.
  - Makes changes to the CHIP (hawk-i) program due to requirements regarding eligibility determinations and simplification of the application process. Also included are necessary technical changes and obsolete provisions for hawk-i that are not related to the ACA.

## **Assumptions**

- There are 3,154 foster care adults between the age of 18 and 26 that will be eligible for Medicaid coverage under this new group in the first year. It is estimated that 25.0% (789) will not seek coverage through Medicaid or will continue coverage under another Medicaid program. Of the remaining 2,365 youth, 1,182 (50.0%) will apply in the first year for coverage, with the remaining youth applying in FY 2015.
- If approved by the federal government, it is estimated that the Breast and Cervical Cancer Program will cover an average of three men annually at a total cost of \$60,801 per case. The federal match rate for the Program is 71.91%. In addition, there will be \$3,500 in costs to the Department of Public Health to notify qualified screeners of the law change.
- The DHS will require an additional 1.5 Income Maintenance Worker 2 positions in FY 2014 and FY 2015 to handle the additional enrollment in the Medicaid Program.

- The DHS will require 300 hours in reprogramming of the Medicaid Management Information System (MMIS), at \$85.00 per hour, to meet federal reporting requirements. The federal government pays 90.0% of these costs.
- The DHS is required to develop a new aid-type for federal reporting codes (Parts A, B, C, & D). The changes to the IABC and TXIX systems will require a total of 750 hours programming at \$85.00 per hour. The federal government pays approximately 58.35% of these costs.
- It is estimated that the DHS will require \$600,000 for a third-party administrator to reprogram the hawk-i computer system to capture and relay data with the new eligibility system. The federal government pays approximately 70.0% of these costs.

### **Fiscal Impact**

These changes, required by the ACA, are estimated to cost the State General Fund \$489,000 in FY 2014 and \$1.5 million in FY 2015. A summary of the impact is listed below.

<b>FY 2014 Provision</b>	<b>State</b>	<b>Federal</b>	<b>Total</b>
Foster Children age 18-26 Medicaid	\$ 200,000	\$ 275,000	\$ 475,000
Expanding Medicaid Breast Cancer Coverage to Men	17,687	43,114	60,801
Total of 1.5 Field Staff in FY 2014	58,238	24,334	82,572
MMIS Reprogramming	6,375	19,125	25,500
hawk-i System Reprogramming	176,696	423,304	600,000
Public Health Breast Cancer Notification Costs	3,500	0	3,500
Other Aid System Reprogramming	26,558	37,192	63,750
<b>Total</b>	<b>\$ 489,054</b>	<b>\$ 822,069</b>	<b>\$ 1,311,123</b>
<b>FY 2015 Provision</b>	<b>State</b>	<b>Federal</b>	<b>Total</b>
Foster Children age 18-26 Medicaid	\$ 1,400,000	\$ 1,900,000	\$ 3,300,000
Expanding Medicaid Breast Cancer Coverage to Men	17,687	43,114	60,801
Total of 3 Field Staff in FY 2015	116,476	48,668	165,144
<b>Total</b>	<b>\$ 1,534,163</b>	<b>\$ 1,991,782</b>	<b>\$ 3,525,945</b>

### **Source**

Department of Human Services

/s/ Holly M. Lyons

March 25, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.